

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ROGER DALE HINDS, JR., #01436516 §
VS. § CIVIL ACTION NO. 2:21-cv-255-JRG-RSP
DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

Petitioner Roger Dale Hinds, Jr., a prisoner within the Texas Department of Criminal Justice proceeding *pro se*, filed this federal petition for a writ of habeas corpus challenging Marion County convictions. The petition was referred to United States Magistrate Judge Roy S. Payne for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

On July 25, 2024, Judge Payne issued a Report, (Dkt. #11), recommending that Petitioner's habeas petition be denied and that this case be dismissed with prejudice. He also recommended that Petitioner be denied a certificate of appealability *sua sponte*. A copy of this Report was mailed to Petitioner at his last-known address, with an acknowledgment card. The docket reflects that Petitioner received a copy of the Report on August 8, 2024, (Dkt. #12). To date, however, Petitioner has not filed objections.

Because objections to Judge Payne's Report have not been filed, Petitioner is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See*

United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (holding that where no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law.”). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge, (Dkt. #11), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Petitioner’s habeas petition is **DENIED**, and this civil proceeding is **DISMISSED**, with prejudice. Petitioner is further **DENIED** a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So ORDERED and SIGNED this 13th day of September, 2024.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE